



United States
Department of
Agriculture



Federal Crop
Insurance
Corporation

FCIC-14060 (08-2022)

GOOD FARMING PRACTICE DETERMINATION STANDARDS HANDBOOK

2023 and Succeeding Crop Years

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**UNITED STATES DEPARTMENT OF AGRICULTURE
FARM PRODUCTION AND CONSERVATION
RISK MANAGEMENT AGENCY
KANSAS CITY, MO 64133**

| | |
|--|---|
| TITLE: GOOD FARMING PRACTICE STANDARDS HANDBOOK | NUMBER: FCIC – 14060 OPI: RISK MANAGEMENT SERVICES DIVISION |
| EFFECTIVE DATE: 2023 and Succeeding Crop Years | ISSUE DATE: August 08, 2022 |
| SUBJECT: Provides the Standards and Procedures for Administering Good Farming Practice Decisions and Determinations | APPROVED: <i>/s/ Delores Dean</i> Deputy Administrator for Insurance Services |

REASON FOR ISSUANCE

This handbook contains the FCIC-issued standards and procedures for handling good farming practice decisions and determinations. AIPs, and RMA will use these standards and procedures when administering GFP decisions, determinations, and reconsiderations.

SUMMARY OF CHANGES

Listed below are significant changes for the 2023 FCIC 14060 Good Farming Practice Standards Handbook. Highlighted text throughout the GFPH represents changes or additions, and three stars (***) identify removal of information.

| Reference | Description of Change |
|--------------------------|--|
| Throughout this handbook | Formatting updates throughout to comply with the External Handbook Standards. |
| Throughout this handbook | Replaced reference of "GFP Database in ROE" to "ROE Program Review Log". |
| Title | Page TP1: In Subtitle, changed "FCIC-Approved Standards and Procedures for Administering Good Farming Practice Decisions and Determinations for the 2023 and Succeeding Crop Years" to "2023 and Succeeding Crop Years". |
| Summary Of Changes | Page TP2: Para. title "REASON FOR AMENDMENT", changed to " SUMMARY OF CHANGES", to make it clearer. Page TP2: In Para. Reason for Amendment, replaced "Insurance Services and ROs" to just "RMA". |

SUMMARY OF CHANGES (Continued)

| Reference | Description of Change |
|---------------------------------|---|
| Para. 1 | <p>Page 1: Changed title to “Purpose and Objective”.</p> <p>Page 1: Added language to clarify what is FCIC, and its purpose.</p> <p>Page 1: Updated language to clarify that this handbook provides the standards and procedures “for each RMA RO and AIP”.</p> <p>Pages 2 and 3: Added required language from the Title VI of the Civil Rights Act of 1964.</p> <p>Pages 3 and 4: Para. (C) was moved to Para. (D) after adding civil rights required statement.</p> <p>Page 4: Replaced Prevented Planting LASH (FCIC-25370) to Prevented Planting Standards Handbook (FCIC-25370).</p> |
| Para. 1E | <p>Page 4: Moved from Para. 1 (D) to Para. 1 (E).</p> <p>Page 4: Updated language to clarify what the CIH is and its purpose.</p> <p>Page 4: Updated language to clarify what the GSH is and its purpose.</p> <p>Page 5: Updated language to clarify what the LAM Standards Handbook is and its purpose.</p> <p>Page 5: Replaced Prevented Planting LASH (FCIC-25370) to Prevented Planting Standards Handbook (FCIC-25370).</p> <p>Page 5: Updated language to clarify what the Prevented Planting Standards Handbook is and its purpose.</p> |
| Para. 1F | <p>Page 5: Added clarifying language to indicate which office writes and maintains this handbook and provided mailing address.</p> |
| Para. 1G | <p>Page 5: Added language to clarify how to get answers to question regarding this handbook, and how to notify errors when identified.</p> |
| Para. 1H | <p>Page 6: Added contact information for local RMA’s Regional Office and Compliance Field Offices.</p> |
| Para. 2B(b) | <p>Page 6: Added "or rejection" to clarify that if the GFP request is rejected a rejection letter will be sent by RMA.</p> |
| Para. 21 | <p>Page 9: Added "in the region" to clarify that the expert should be familiar with the area where the insured crop is or will be planted.</p> <p>Page 10: Added “demonstrated expertise” to clarify that in addition to the research or occupation the expert must demonstrate its proficiency in the crop in question.</p> <p>Page 10: Replaced "or practice" to "and practice in the region" to clarify that the expert must demonstrate the familiarity with the area in question.</p> <p>Page 10: Added the option to request the approval of an Agricultural Experts "by email to rma.rmsd@usda.gov" as an option.</p> |
| Para. 22A(2)(b) | <p>Page: Item (iii) removed from list and added as a note.</p> |
| Para. 23A(6) | <p>Page 12: Added "including but not limited to" to clarify that there are several instances that do not qualify for a GFP Determination.</p> <p>Page 13: Moved "(a) interpretations of policy and procedure" to a new option below as option (a), as well as created four more options, "(b) emerging crop disease issues", "(c) whether a production method was used or not", "(d) when the production method in question is not clearly defined", and "(e) whether or not a cause of loss impacted a production method". These are the specific instances that do not qualify for a GFP Determination.</p> |

SUMMARY OF CHANGES (Continued)

| Reference | Description of Change |
|------------------------------|--|
| Para. 23B(1) | Page 13: Moved "GFP" from "receipt of the AIP's GFP decision" to "disagrees with the AIP's GFP decision". |
| Para. 31 | <p>Page 15: Replaced "confirms" with "determines", to make it clearer.</p> <p>Page 15: Added "or not" to clarify that the AIP will determine if GFPs were followed or not.</p> <p>Page 15: Replaced "show" to "demonstrate", to make it clearer that the Policyholder must demonstrate that GFP were followed.</p> <p>Page 16: Replace "the Policyholder" for "Policyholders".</p> <p>Page 16: Replaces "APH yield" for "at least the yield used to determine the production guarantee or amount of insurance" to make is consistent with the BP.</p> <p>Page 17: Added option "(2) state that the letter is a GFP Decision which clearly identify the issues in which the Policyholder failed to follow GFP", to make it clearer to the Policyholder that the letter is a GFP Decision, and each failure to follow GFP is clearly listed and identified.</p> <p>Page 17: Added language to clarify that "any disagreement regarding the amount of assigned production or other claim determinations" must be mediated or arbitrated with the AIP.</p> <p>Page 18: Added language, so that the AIP GFP Decision letter includes the necessary steps the Policyholder should follow to appeal the AIP's GFP Decision.</p> <p>Page 18: Added "or any other claim determination" to make it clear that GFP determinations will only address GFP issues.</p> |
| Para.32 | <p>Page 18: Added language to clarify that the Policyholder will be given additional 30 days to request a GFP Determination if the AIP reissues a GFP Decision.</p> <p>Page 19: Added language to clarify that the RO could send the acknowledgement letter as an encrypted email if available.</p> <p>Page 19: Added language to clarify that the RO will only make a GFP Determination of the GFP issues identified by the AIP.</p> <p>Page 20: Added language to note that the RO could send the GFP Determination letter via an encrypted email if that is an option for the Policyholder.</p> |
| Para. 41 | Pages 23 and 25: Changed "your" to "The RO". |
| Para. 51 | Page 27: Added brief description of the purpose of the paragraph. |
| Para. 52 | <p>Page 27: In addition to a mail address, an email address was provided that could be used by the Policyholder to send a GFP Reconsideration request to the Deputy Administrator for Insurance Services.</p> <p>Page 29: Added language to clarify that an extension could be approved by RMSD Director for the Policyholder to submit additional documentation.</p> <p>Page 30: Added language to clarify that RMSD could sent the letter via email as a PDF file if that is an option for the Policyholder.</p> |
| Para. 53 | Page 30: Added brief description of the purpose of the paragraph. |
| Exhibit 1 | <p>Page 31: Added definition of the EHS acronym.</p> <p>Page 31: Added definition of the Exh. acronym.</p> <p>Page 31: Added definition of the Para. acronym.</p> <p>Page 31: Added definition of the PDF acronym.</p> <p>Page 32: Added definition of PPSH.</p> <p>Page 32: Added definition of the SubPara. acronym.</p> |

SUMMARY OF CHANGES (Continued)

| Reference | Description of Change |
|---------------------------|---|
| Exhibit 2 | <p>Page 34: Included NRCS Conservation Practices as a separate definition.</p> <p>Page 35: Added definition for Transitional Acreage to clarify that this is the acreage in transition to organic where organic farming practices are being followed; but the acreage that does not yet qualify as certified organic acreage.</p> |
| Exhibit 3 | <p>Page 36: Exhibit reserved for future use.</p> |
| Exhibit 4 | <p>Page 37: Exhibit moved from Exhibit 3 to Exhibit 4.</p> <p>Page 37: Added language to reflect changes to the ROE Program Review Log, and to clarify that once documents have been uploaded to the ROE Program Review Log, the AIP will have access to their documents, but not to those of the ROs.</p> <p>Page 38: Added language to clarify that the RO should create folder in which documents will be uploaded in accordance with the category.</p> <p>Pages 38 and 39: Removed the requirement to add the producer's name in the Naming Convention, as the document are already inside the GFP Case file that identifies the producer's name.</p> <p>Page 39: Added language to clarify that the ROs should use the ROE Program Review Log to document field notes, telephone calls, as well as fill out the GFP checklist, and that any form used outside the ROE Program Review Log should be uploaded to the associated folder inside the RO Documentation Folder.</p> <p>Page 39: Removed the Request for GFP Determination Checklist from the handbook. This checklist is available in the ROE Program Review Log.</p> <p>Page 39: Removed the Interview/Telephone Record form. This information can be recorded using the ROE Program Review Log.</p> |
| Exhibit 5 | <p>Page 41: Exhibit moved from Exhibit 4 to Exhibit 5.</p> <p>Page 41: A change referenced to exhibit 3, now it is exhibit 4.</p> <p>Page 41: Removed reference to the Interview / Telephone Record. This information is available in the ROE Program Review Log now.</p> <p>Page 42: Changed "your" to "The RO".</p> |
| Exhibit 6 | <p>Page 43: Exhibit moved from Exhibit 5 to Exhibit 6.</p> <p>Page 43: Changed "your" to "personal".</p> <p>Pages 43, 46, 47, 48, and 50: Replace "your" to "the RO"</p> <p>Page 44: Added language to clarify that an additional extension (date) could be approved by the RO to provide relevant documentation.</p> <p>Page 44: Added language to clarify that Policyholder can send additional documentation to the ROs by email, and if sent electronically, the documentation submitted should legible.</p> <p>Pages 46 and throughout Exhibit 6: References to "corn and soybean crops" were replaced to just "corn crop".</p> <p>Page 48: Removed "in your conclusion".</p> <p>Pages 48 and 49: The Appeal Rights were moved from the end of the letter to after the Conclusion section. This improves the flow of the letter, and the reader does not have to go to the very end of the document to find out how to appeal the GFP Determination.</p> |

SUMMARY OF CHANGES (Continued)

| Reference | Description of Change |
|---------------------------|--|
| Exhibit 7 | <p>Page 51: Language added to clarify that RMSD will be using basically the same letter template as the ROs when issuing GFP Reconsiderations and follow the same general rules as shown in Exhibits 4 and 5.</p> <p>Page 51: Clarifies specific language RMSD should include when issuing a GFP Reconsideration letter.</p> <p>Page 51: Moved language specifying that RMSD should use the same basic format as the RO GFP Determination letter but write the letter in first person. Follow all general rules for writing the letter in Exhibits 4 and 5. to Exhibit 6 (A).</p> <p>Page 52: Updated language to clarify that full sample GFP Reconsideration, more examples, and sample template letters that were removed from the handbook will be available in SharePoint.</p> <p>Page 52: Removed letter case examples exhibits from the handbook. This information will be available on the Insurance Services SharePoint site.</p> |
| Exhibit 8 | Page 53: Appeals process chart updated to make it easier to follow. |

2023 GOOD FARMING PRACTICES STANDARDS HANDBOOK

CONTROL CHART

| | TP Page(s) | TC Page(s) | Text Page(s) | Exhibit Page(s) | Date | Directive Number |
|---------------|---------------|---------------|-----------------|--------------------|---------|---------------------|
| Current Index | 1-5 | 1-2 | 1-30 | 31-53 | 07-2022 | FCIC-14060 |

FILING INSTRUCTIONS

This handbook replaces FCIC-14060 Good Farming Practice Standards Handbook dated July 15, 2021. This handbook is effective for the 2023 and succeeding crop years and is not retroactive to any 2022 or prior crop year determinations, however, exhibits 1-8 should be used where applicable to document current or pending GFP decisions, determinations, or reconsiderations.

GOOD FARMING PRACTICE DETERMINATION STANDARDS HANDBOOK

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PART 1: GENERAL INFORMATION AND RESPONSIBILITIES

1 General Information

A. Purpose and Objective

FCIC is established by the Federal Crop Insurance Act, 7 U.S.C. 1501, to promote the national welfare by improving the economic stability of agriculture through a sound system of crop insurance and providing the means for the research and experience helpful in devising and establishing insurance. RMA administers the crop and livestock insurance programs on behalf of FCIC.

This handbook provides the standards and procedures for each RMA RO and AIP for participation in GFP actions, including:

- (1) training;
- (2) AIP responsibility in GFP decisions;
- (3) RMA GFP determinations and reconsiderations;
- (4) referral of identified program vulnerabilities and suspected cases of fraud, waste, and abuse; and
- (5) Dispute resolution.

This handbook remains in effect until superseded by reissuance of either the entire handbook or selected portions (through amendments, Manager's Bulletins, or FADs). If amendments are issued for a handbook, the original handbook as amended shall constitute the handbook. A Manager's Bulletin or FAD can supersede either the original handbook or subsequent amendments.

B. Source of Authority

Federal programs enacted by Congress and the regulations and policies developed by RMA, USDA, and other Federal agencies provide the authority for program and administrative operations, and basis for RMA directives. Administration of the Federal crop insurance program is authorized by the following:

- (1) Federal Crop Insurance Act (Act), Section 508(a)(3)(B)(i):
"A policyholder shall have the right to a review of a determination regarding good farming practices... in accordance with an informal administrative process to be established by [FCIC]."
- (2) The Food Security Act of 1985, 16 U.S.C. 3801 et seq.
- (3) Controlled Substance Act of 1970, 21 U.S.C. 801 et seq.
- (4) Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 653a

B. Source of Authority (Continued)

(5) 7 CFR Part 400

(6) 2023 SRA, Section I. Definitions

“‘Inspection’ means verification: (4) that the reported practice is being carried out in accordance with good farming practices.”

and

Appendix IV, Section III (a) (3):

“(a) The Company is responsible for (3) conducting an inspection.”

(7) FCIC Policy Provisions:

(a) Common Crop Insurance Policy Basic Provisions (22-BR), Sections 12 and 20.

(b) ARPI Basic Provisions (20-ARPI), Section 23.

(c) WFRP Pilot Policy (22-0076), Section 21.

(d) Rainfall and Vegetation Index Plan Common Policy (20-RIVI), Section 6 and 15.

(e) LRP Insurance Policy (21-LRP-Basic), Section 11.

(f) Other crop provisions as applicable.

C. Title VI of the Civil Rights Act of 1964

The USDA prohibits discrimination against its customers. Title VI of the Civil Rights Act of 1964 provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Therefore, programs and activities that receive Federal financial assistance must operate in a non-discriminatory manner. Also, a recipient of RMA funding may not retaliate against any person because he or she opposed an unlawful practice or policy, or made charges, testified, or participated in a complaint under Title VI.

It is the AIPs’ responsibility to ensure that standards, procedures, methods, and instructions, as authorized by FCIC in the sale and service of crop insurance contracts, are implemented in a manner compliant with Title VI. Information regarding Title VI of the Civil Rights Act of 1964 and the program discrimination complaint process is available on the USDA public website at www.ascr.usda.gov. For more information on the RMA Non-Discrimination Statement see the DSSH.

D. Order of Precedence

If there is a conflict between the procedure in this handbook and other documents issued by RMA, the following order of precedence will apply.

- (1) The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.) and any FAD interpreting the Act.
- (2) The CAT Endorsement, as applicable, and any FAD interpreting the CAT Endorsement.
- (3) Written Agreement, as applicable.
- (4) The SP and other actuarial documents in the following order of precedence:
 - (a) SP; and
 - (b) Actuarial Map.
- (5) The Commodity Exchange Price Provisions, as applicable.
- (6) Crop endorsement/options/exclusions and any FAD interpreting the crop endorsement/options/exclusions if published in 7 CFR Part 457. Exception: For ARH policies, crop provisions will take precedence over the ARH Endorsement.
- (7) CP and any FAD interpreting the CP.
- (8) BP and any FAD interpreting the BP.
- (9) Administrative Regulations at 7 CFR Part 400; any FAD interpreting the administrative regulations; or any FCIC interpretation at 7 CFR § 400, Subpart X — Interpretations of Statutory Provisions, Policy Provisions, and Procedures.
- (10) PPSH (FCIC-25370) and any interpretation of these procedures.
- (11) CIH (FCIC-18010) and other applicable underwriting guides for a specific commodity or plan of insurance and any interpretation of these procedures.
- (12) GSH (FCIC-18190) and any interpretation of these procedures.
- (13) LAM Standards Handbook (FCIC-25010) and any interpretation of these procedures.
- (14) Crop LASH and any interpretation of these procedures.
- (15) GFP Determination Standards Handbook (FCIC-14060)
- (16) Product Management and Insurance Services Informational Memorandums.

1 General Information (Continued)

E. Related Handbooks

The following table provides handbooks related to this handbook.

| Handbook/Manual | Purpose |
|-----------------|---|
| CIH | This handbook provides the official FCIC-approved underwriting standards for policies administered by AIPs for the General Administration Regulations, APH Regulation Subpart G, CCIP BP, and Area Risk Protection Insurance Regulations. |
| GSH | This handbook provides the official FCIC-approved standards for policies administered by AIPs under the General Administrative Regulations, 7 CFR Part 400; Common Crop Insurance Policy Regulations, Basic Provisions, 7 CFR § 457.8 including the Catastrophic Risk Protection Endorsement, 7 CFR Part 402 and the Actual Production History Regulation 7 CFR Part 400 subpart G; the Area Risk Protection Insurance Regulations, 7 CFR Part 407; Stacked Income Protection Plan; the Rainfall Index Plans; and the Whole-Farm Revenue Protection Pilot Policy. |
| LAM | This handbook provides the official FCIC-approved general loss adjustment standards for all levels of insurance provided under FCIC unless a publication specifies that none or only specified parts of this handbook apply. |
| PPSH | This handbook provides the official FCIC-approved standards requirements for adjusting losses related to prevented planting in a uniform and timely manner. |

1 General Information (Continued)

F. Procedural Issuance Authority

This handbook is written and maintained by:

Office of Deputy Administrator for Insurance Services
Risk Management Services Division
USDA—Risk Management Agency
1400 Independence Avenue SW, Stop 0801
Washington, D.C. 20250–0801

G. Procedural Questions

- (1) Questions regarding procedures in this handbook are to be directed first to the AIP, then through appropriate channels within the AIP to RMA.
- (2) If a perceived error is identified, notify RMA in writing at the address contained in the preceding paragraph or by email at rma.rmsd@usda.gov. The notification must clearly identify the error and provide the proposed correction.

If RMA determines the perceived error is not an actual error, RMA will make no changes. However, if RMA determines the identified error is an actual error and is significant, RMA will issue a correction in the existing crop year. Conversely, if RMA determines the identified error is an actual error and is not significant, the correction will be included in the subsequent issuance of the GFPH.

H. RMA RO and Compliance Field Office Contact Information

For the applicable RMA RO or Compliance Field Office and the associated contact information, refer to www.rma.usda.gov/en/RMALocal/Field-Offices/Regional-Offices or www.rma.usda.gov/en/RMALocal/Field-Offices/Regional-Compliance-Offices.

2 Responsibilities

A. AIP Responsibilities

- (1) The AIP will:
 - (a) make an initial GFP decision in accordance with [Para. 31](#) – AIP Duties; and
 - (b) send written requests for GFP determinations along with the entire GFP decision file to the RMA RO serving the location of the insured acreage through the [ROE Program Review Log](#) as directed in [Para. 23B](#) – Requests for GFP determinations.
- (2) When RMA receives a request for a GFP determination, the AIP will respond timely to any requests for further information or clarification.

B. RO Responsibilities

- (1) The RO will:
 - (a) screen GFP determination requests in accordance with [Para. 23](#) – Requirements for an RMA Review, and accept or reject the request;
 - (b) send an acknowledgment **or rejection** letter to the AIP and Producer (see [Exhibit 6](#));
 - (c) make the GFP determination based on [Para. 32](#) – RO Responsibilities;
 - (d) issue the GFP determination letter to the requestor, with a copy to the AIP, Policyholder, and Regional Compliance Office, as appropriate;
 - (e) upload additions to the GFP file to the **ROE Program Review Log** within 30 days of issuing the GFP determination letter; and
 - (d) write referrals upon discovering fraud, waste, abuse, or other vulnerabilities in accordance with [Part 5](#) - Referrals of this handbook.
- (2) RO Directors will:
 - (a) ensure all appropriate staff members are trained in accordance with [Part 2](#) - Training; and
 - (b) maintain training records for their staff in the **ROE Program Review Log**.

C. RMSD Responsibilities

- (1) RMSD will:
 - (a) provide support, leadership, training, assistance, and monitoring to the ROs, and:
 - (i) develop and maintain policy and handbook procedures for GFP determinations;
 - (ii) develop training standards and procedures;
 - (iii) establish target deadlines and monitor the progress for timely completion of GFP determinations.
 - (b) provide a written process for referrals and:
 - (i) follow up on referrals and document the outcome;
 - (ii) advance and coordinate recommended corrections for vulnerabilities identified in FCIC programs.

2 Responsibilities (Continued)

C. RMSD Responsibilities

- (c) process reconsideration requests of GFP determinations and coordinate with the DAIS for signature on reconsideration determinations.

3-10 (Reserved)

PART 2: TRAINING

11 RMA Employee Training Requirements

A. Training Curriculum

All RMA Employees must use the training curriculum found in the Program Performance Assessment Standards Handbook, [Part 2](#) – Training, to obtain the proficiency required to make GFP determinations.

B. GFP Certification

All RMA employees that make GFP determinations must be certified. RMA employees must pass the same initial certification as RMA employees performing PPA reviews and must demonstrate those competencies by passing the exam for PPA initial certification.

RMA Employees initially certified to conduct PPA reviews will be exempt from additional GFP certification requirements. Thereafter, no further maintenance of GFP certification is required unless directed by RMSD or the RO Director.

RO Directors will:

- (1) assign a GFP mentor to the RMA employee to complete their first GFP determination;
- (2) review completed GFP determinations and identify competencies for improvement for the employee; and
- (3) ensure follow-up training initiatives are provided and completed for competencies identified for improvement on the part of an employee working with GFP determinations.

12-20 (Reserved)

PART 3: GENERAL REQUIREMENTS

21 Agricultural Experts

The opinions and published materials by agricultural experts are an integral part of determining whether a production method is a GFP.

A. Agricultural Experts Currently Approved by RMA

Approved Agricultural Experts include personnel whose research or occupation is related to the specific crop, and practice, **in the region** for which such expertise is sought and has demonstrated expertise in the production practice in question, and is:

- (1) employed by Cooperative Extension Service or USDA National Institute of Food and Agriculture (NIFA), formerly Cooperative State Research, Education, and Extension Service (CSREES);
- (2) employed by the agricultural departments of universities;
- (3) certified by the American Society of Agronomy (ASA) as Certified Crop Advisers and Certified Professional Agronomists, www.agronomy.org;
- (4) certified by the National Alliance of Independent Crop Consultants (NAICC) as Certified Professional Crop Consultants, www.naicc.org;
- (5) certified by the American Society for Horticultural Sciences as Certified Professional Horticulturists;
- (6) certified by the International Society of Arboriculture as Certified Arborists; or
- (7) an employee certified by the Natural Resources Conservation Service (NRCS) to make determinations regarding good cover cropping practices.

For the organic industry, in addition to the experts listed above, approved Organic Agricultural Experts include persons employed by:

- (a) the Appropriate Technology Transfer for Rural Areas National Sustainable Agriculture Information Service www.attra.ncat.org;
- (b) the Sustainable Agriculture Research and Education organization, www.sare.org;
or
- (c) USDA Accredited Certifying Agents (ACA), third party agents who certify operations under USDA organic standards. A list of ACAs is available on the AMS website, www.ams.usda.gov.

NOTE: Both Organic Agricultural Experts and Agricultural Experts are referred to as “Agricultural Experts” in this Handbook for simplicity.

21 Agricultural Experts (Continued)

B. RMA Approval for Other Experts

Persons certified through other programs may be recognized as agricultural experts by RMA if their research or occupation is related to the specific crop, and practice, in the region for which such expertise is sought and has demonstrated expertise in the production practice in question.

To obtain approval for such persons, contact RMA's Deputy Administrator for Insurance Services by email to rma.rmsd@usda.gov, or if email is not an option by mail at:

Office of Deputy Administrator for Insurance Services
Risk Management Services Division
USDA—Risk Management Agency
1400 Independence Avenue SW, Stop 0801
Washington, D.C. 20250-0801

22 General Basis for GFP Decisions

The purpose of the GFP provisions is to ensure that a Policyholder's production methods do not adversely affect the quantity and/or quality of the production. Consider any practice that could affect the amount and quality of the crop, from ground preparation through harvest. In the case of perennials, consider practices from post-harvest of the previous crop year through harvest of the current crop year that could affect the amount and quality of the crop. Policyholders are responsible for establishing that the farming practice in question was a good farming practice.

All GFP evaluations, including decisions made by the AIP, determinations made by the RO, or reconsideration determinations made by RMSD, must consider the items in Para. 22A.

A. Basis for GFP Decisions

Base GFP determinations on the following:

- (1) Agronomic situation of the Policyholder, including:
 - (a) material facts about the production methods that were used or will be used to produce the crop;
 - (b) weather and climate factors;
 - (c) pest or disease risks; and
 - (d) other factors affecting the crop.

A. Basis for GFP Decisions (Continued)

(2) Expert opinion;

You must use the opinion from at least one agricultural expert, who meets the standards in Para. 21- Agricultural Experts, regarding the production

method(s) used by the Policyholder to support the decision. The opinion must be in one of the following forms:

(a) published material; or

(b) a written opinion or recommendation which complies with the following:

- (i) An agricultural expert who provides a written opinion or recommendation on farming practices should submit it on letterhead or include evidence of their certification, as appropriate.
- (ii) A statement disclosing any familial or other business relationship the expert has with the Policyholder, AIP, agent, or loss adjuster is required.

Note: If the agricultural expert is not qualified to render an objective, unbiased opinion of the production methods, crop, or areas at issue, the opinion cannot be considered in the GFP decision or determination.

(3) Additional expert opinions, if required.

The recommendation of at least one additional agricultural expert is required if:

- (a) the expert providing an opinion has a business relationship with the Policyholder, such as providing advice and/or sale of inputs to the Policyholder's operation, or is employed by a firm that provided such advice or inputs;
- (b) the expert providing an opinion has a familial relationship with the Policyholder, loss adjuster, or agent, or will benefit financially from the outcome of the opinion (other than disclosed amounts paid to provide a written opinion); or
- (c) the written opinion is not supported by published documentation.

(4) Review of the production method;

Determine whether the production method(s) used by the Policyholder conforms with the requirements of the policy held. For example, does the production method:

A. Basis for GFP Decisions (Continued)

- (i) allow the insured crop to make normal progress toward maturity;
- (ii) produce at least the yield used to determine the production guarantee or amount of insurance, including any adjustments for late planted acreage;
- (iii) not reduce or adversely affect the yield; or
- (iv) stand as a generally recognized good farming practice by agricultural experts or organic agricultural experts, depending on the practice, for the area.

Note: Any other objective supporting statements provided by a disinterested third-party may be considered and included to support any basis for GFP decisions.

B. Determining if a Production Method May be Considered a GFP

The production method will not be considered a GFP if:

- (1) the production method fails to meet the standards in Para. 22A(4); or
- (2) there are no published materials supporting the recommendation, unless two or more agricultural experts specifically support the production method as meeting all the criteria in Para. 22A(4).

23 Requirements for an RMA GFP Determination

A. What Does Not Qualify for GFP Determination

A GFP determination is used to determine whether a particular production practice meets the criteria set forth as a GFP. It is not to be used for situations that fall outside of the GFP authority and definition in the Basic Provisions. As such, RMA will not accept requests related to:

- (1) the amount of production or value assessed to crop acreage for uninsured causes of loss due to a failure to follow GFP;
- (2) the expansion of coverage to states, counties, crop, practices, types, or varieties where coverage is not available;
- (3) establishing insurability;
- (4) the denial of requests for written agreements;
- (5) identifying or determining that an insured cause of loss was present; or
- (6) any other decisions related to a claim determination **including but not limited to:**

A. What Does Not Qualify for GFP Determination (Continued)

- (a) interpretations of policy and procedure;
- (b) emerging crop disease issues;
- (c) whether or not a production method was used;
- (d) when the production method in question is not clearly defined; or
- (e) whether or not a cause of loss impacted a production method.

B. Requests for RMA GFP Determinations

- (1) If the Policyholder disagrees with the AIP's GFP decision, the Policyholder may request a GFP determination within 30 calendar days of receipt of the AIP's decision. Once the RMA Regional Office is notified of a request for a GFP determination, the RO will log the GFP into the ROE Program Review Log. The AIP will then receive an email with a link to upload the complete request. It is the AIP's responsibility to provide the complete request file to the ROE Program Review Log. A complete request must include:
 - (a) the AIP GFP decision file, including both the complete underwriting file and the complete claim file, which will contain all material facts, written opinions, published material and supporting documentation provided by the Policyholder, any recommendations and research conducted by the AIP, the AIP analysis of the Policyholder's actions compared to the recommended practices, and the AIP decision letter; and
 - (b) the Policyholder's written request, and any attachments provided with the request, if applicable.
- (2) If the AIP cannot make a decision whether the production method is a GFP based on the information available (see [Para. 31A\(5\)\(b\)](#)), the AIP may make a written request that the RO serving the location of the insured acreage make a GFP determination. It is the AIP's responsibility to forward a complete request file to the appropriate RO through the ROE Program Review Log with an explanation of why they are requesting a GFP determination.
 - (a) The AIP should include any extenuating circumstances which render the AIP unable to make the decision.
 - (b) The RO must make a determination on whether production methods are GFP; however, the RO may ask for additional information from the AIP, as needed.

24 GFP Applicability

GFP decisions, determinations, and reconsiderations apply to all the Shareholders on the acreage for which a decision is made. All Shareholders and AIPs that service a policy on the acreage must receive a copy of the final decision letter by certified mail or encrypted email.

25 GFP and Cover Crops

Cover Cropping – The voluntary practice of cover cropping shall be considered a good farming practice if the cover crop is terminated in accordance with the NRCS Cover Crop Guidelines.

- (1) Producers can obtain an exception to the NRCS Cover Crop Guidelines following
- (2) the guidance and meeting the requirements found in [Para. 21](#) and [22](#).
- (3) It is recommended that exceptions be provided to the AIP by the crop's applicable acreage report date.

26-30 (Reserved)

PART 4: GFP PROCESS

31 AIP Duties

A. GFP Decision Process

The AIP makes an initial decision of whether the production methods used by a Policyholder constitute GFP according to the terms of the policy and these procedures and **determines whether or not** the Policyholder carried out generally recognized GFPs. These procedures apply to all GFP decisions, regardless of the origination of the review, i.e., RCO review requests, loss adjustment process, growing season inspection, etc., when the AIP or RMA has a reason to question whether GFP were followed by the Policyholder.

- (1) To decide if GFP were followed, the AIP may ask Policyholders to **demonstrate** they complied with the policy provisions and followed generally recognized GFP. The Policyholder must provide the AIP with all the relevant facts relating to their agronomic situation, including but not limited to:
 - (a) receipts;
 - (b) farm records;
 - (c) third party verification;
 - (d) Organic Plan, if applicable; and
 - (e) any other documentation to show the practice is or is not a recognized GFP, as requested.
- (2) The AIP may request the Policyholder provide, as applicable, published material relating to the production method or a written opinion directly from an agricultural expert:
 - (a) that the production method used by the Policyholder meets the standards contained in [Para. 22A\(4\)](#); or
 - (b) recommending the production methods that would meet the standards contained in [Para. 22A\(4\)](#).
- (3) The AIP should also document the condition in the field through adjuster reports, photographs (appropriately labeled with date, location, etc.), and other means, as applicable. The AIP may also consider including photographs from neighboring fields for comparison.
- (4) Economic conditions are not a valid consideration for deciding if a production method is a GFP or if a Policyholder is justified in not following GFP. Accordingly, the Policyholder will not be exempt from following a recommended GFP because a Policyholder does not want to or cannot afford to incur the costs associated with following the recommendations of agricultural experts or published materials.

A. GFP Decision Process (Continued)

- (5) The AIP must decide if:
- (a) the production method is a GFP in accordance with [Para. 22](#) – General Basis for GFP decisions; and
 - (b) there is a genuine dispute between agricultural experts or between agricultural experts and published materials such that the AIP cannot confirm the practice in question is a GFP. Only if there is a genuine dispute, the AIP must request a GFP determination from the RO. Otherwise the AIP must issue an initial GFP decision.
 - (c) When deciding there is a genuine dispute among agricultural experts or between the opinion of an agricultural expert and published materials, consider whether:
 - (i) there is longstanding general agreement among experts in an area that the practice is a GFP for the agronomic circumstances particular to the Policyholder’s acreage, but a minority of experts disagree;
 - (ii) **Policyholders** can prove that they or similarly situated Policyholders have used the production method in the same manner over an extended period and produced levels consistent with **at least the yield used to determine the production guarantee or amount of insurance**;
 - (iii) the opposing opinion or published material is more general in applicability to the specific crop, area, or practice than the opinion or materials relied on by the Policyholder;
 - (iv) the opposing opinion or published material is issued by an expert whose experience is less directly applicable to the specific practice, area, or crop than the opinion or materials relied on by the Policyholder;
 - (v) the opposing opinion or published material is not supported by substantiated scientific or experiential data to a sufficiently equivalent degree as the opinion or materials relied on by the Policyholder; or
 - (vi) other relevant factors would lead a reasonable person to conclude that one expert opinion or set of published materials is more applicable, credible, or reliable than the other.
- (6) The AIP must include the following in a GFP decision file:
- (a) documentation of agricultural expert opinion(s) and RMA procedures or other published material to support the AIP decision that the Policyholder failed to follow GFP;

A. GFP Decision Process (Continued)

- (b) description of the production methods employed by the Policyholder; and
- (c) analysis of production methods employed by the Policyholder compared to the recommendations of the experts or published material.

B. GFP Decision Letter

The GFP decision letter provided from the AIP to a Policyholder must:

- (1) be in writing, dated, and mailed via certified mail or overnight delivery;

NOTE: In situations where a producer refuses to sign for certified mail containing a GFP decision, the date an attempt was made by the postal service to obtain the signature is the date the Policyholder received the decision.

- (2) state that the letter is a GFP Decision and include clearly identified issues in which the policyholder failed to follow GFP;
- (3) Identify the cultural practice the AIP's **decided** that did not constitute a GFP;
- (4) state the facts relating to the production method;
- (5) contain or reference RMA procedures, other published materials, any written opinions, or recommendations, or state the opinion or recommendation of at least one agricultural expert;
- (6) state why the production method does or does not meet the requirements in [Para. 22](#) – General Bases for GFP decisions; and
- (7) inform the Policyholder of their appeal rights under **Section 20** of the BP:
 - (a) to mediate or arbitrate with the AIP **any disagreement regarding the amount of assigned** production or other claim determinations; and
 - (b) **the necessary steps** to request a GFP determination from RMA in writing, **through the AIP to the RO**, within 30 calendar days from the date the Policyholder received the GFP decision. The written request must state the basis upon which the Policyholder relies to show that:
 - (i) the determination was not proper and not made in accordance with the program regulations and procedure; or
 - (ii) all material facts were not properly considered in the AIP's determination.

Routing Policyholder Requests for GFP Determination

When a request for a GFP determination is received from the Policyholder, AIPs must:

- (1) date stamp the request on the date it was received to verify timeliness;
- (2) follow the procedures in [Para. 23B](#) – Requests for a GFP Determination; and
- (3) notify the RO within 5 business days of receipt of the request. Upon notification, upload the Policyholder’s request, with all required AIP documentation through the [ROE Program Review Log](#).

Uninsured Cause of Loss

If an AIP’s GFP decision finds the Policyholder failed to follow GFP, only the AIP can assign production or value as uninsured causes of loss for such failure.

[According to](#) the BP [Section 20\(d\)\(ii\)](#), if the Policyholder disagrees with the AIP’s determination of the amount of assigned production or value, the dispute must be resolved through the arbitration or mediation process contained in the BP. A GFP determination from the RO will not address the amount of assigned production or value [or any other claim determination](#).

A. GFP Determination Process

If the Policyholder disagrees with the AIP decision, or if the AIP cannot make a decision whether the production method is a GFP based on a genuine dispute among agricultural experts in accordance with [Para. 31A\(5\)\(b\)](#), the Policyholder (through the AIP) or the AIP may make a written request that the RO serving the location of the insured acreage make a GFP determination.

- (1) Screening Requests for GFP determination
 - (a) Determine that the request is timely and complete. A complete request must be in writing and comply with [Para. 23B](#) – Requests for RMA GFP determinations.
 - (b) Ensure the AIP GFP decision letter to the Policyholder contains required language in [Para. 31B](#) and [Exhibit 4](#). If the AIP GFP decision letter is unacceptable, require the letter be corrected and reissued to the Policyholder within 20 calendar days. The Policyholder will be given an additional 30 calendar days to request a GFP determination [after the letter is reissued by the AIP](#).
 - (c) If there is no response from the AIP or the GFP decision letter still fails to meet the criteria in [Para. 31B](#) and [Exhibit 4](#), the RO must make a GFP determination on the farming practice(s) in question, and, if necessary, seek additional information from other sources if available.

A. GFP Determination Process (Continued)

- (d) Do not make GFP determinations on requests outside the authority of GFP in accordance with [Para. 23A](#) – What Does not Qualify for Review.
- (e) Send a letter by certified mail **or encrypted email if available** to the Policyholder and AIP to acknowledge receipt of the request within 10 business days. See [Exhibit 6](#) for a sample Acknowledgement Template.
 - (i) Allow the Policyholder 10 calendar days from receipt of the RO letter in which to submit any additional information to support their position. Reasonable extensions may be approved by the RO Director.
 - (ii) If a request is incomplete, notify the AIP of what is missing and allow the AIP 5 calendar days to resubmit a complete request to the RO.
 - (iii) The RO** may accept requests directly from the Policyholder to preserve a timely request for a GFP determination. The RO will notify the AIP of the Policyholder’s request and request the AIP send all required AIP documentation to the RO within 5 business days of the RO’s notification as required in [Para. 23B](#).

(2) GFP Determination Process

When the RO receives a request for GFP determination, the RO:

- (a) may contact agricultural experts who provided written opinions or have prepared published materials to clarify their opinions.
- (b) may seek other publications or opinions not cited by the AIP or Policyholder regarding the crop production methods used to confirm or refute the AIP or Policyholder’s position. However, the AIP’s decision should be sufficiently supported by the AIP’s own documentation.
- (c) will make a GFP determination **of the issues identified by the AIP** in accordance with [Para. 22](#) based on:
 - (i) the information provided by the AIP and Policyholder in the AIP decision file; and
 - (ii) other generally available published material identified by the RO which is pertinent to the case.

A. GFP Determination Process (Continued)

- (d) will issue a written GFP determination letter and send it to the requesting party (with a copy to the Policyholder, shareholders, or AIP, as appropriate) via **encrypted email if available**, certified mail or overnight delivery within 60 days of the date the complete file was received as required in [Para. 32A\(1\)\(e\)\(i\)](#) unless otherwise extended in writing.
- (i) GFP determination letters issued by the RO will include a notice of the Policyholder’s appeal rights and will state the Policyholder cannot bring suit against the AIP for GFP determinations made by RMA.
- (ii) A GFP determination letter issued by the RO that determines that GFP were followed is not considered adverse and will not include appeal rights.

B. GFP Determination Applicability

Any GFP determination issued by RMA is not retroactive and may not be used to reopen claims that were settled in prior crop years.

- (1) Enter all GFP correspondence and information in the **ROE Program Review Log**.
- (2) The RO will create and maintain records in accordance with [Exhibit 4](#) and 4.

Written Referrals

See [Para. 41](#) – Procedures for Written Referrals for instances that require referrals.

PART 5: REFERRALS

41 Procedures for Written Referrals

A. Background

In the normal course of performing RO duties and responsibilities related to the review of GFPs, situations arise that require referral to various functional units within RMA for additional follow-up. This **part** establishes the process and requirements for written referrals when program vulnerabilities are identified, an AIP systemically fails to follow FCIC-issued policy and procedures, and/or program fraud, waste and abuse is identified. These referrals should be made to the RMSD and RMSD will forward the referral to the appropriate division within RMA.

Complaints received from outside sources of alleged fraud, waste, and abuse of the crop insurance program must be immediately documented and referred in writing to the appropriate division with a copy to the RMSD.

B. Referrals of Program Vulnerabilities for Policy or Procedural Changes

ROs are in a unique position to review policies, standards, and procedures in actual farming situations. ROs can identify program vulnerabilities or the misunderstanding and misapplication of policies and/or procedures and suggest program improvements that protect program integrity and provide the appropriate risk protection to Policyholders.

Referrals of program vulnerabilities for policy or procedural changes that arise from participation in GFP determinations are to be submitted to RMSD for consideration and coordination of cross-regional issues. If in agreement, RMSD will forward the referral to DAPM through the DAIS.

To be effective, referrals must include, to the extent possible:

- (1) Condition
 - (a) describe the situation or problem; and
 - (b) include documents as exhibits only if necessary.
- (2) Current criteria

Cite and reference the FCIC issued policy or procedure at issue, if applicable.
- (3) Effect of the condition
 - (a) state the negative program impact that is occurring due to the condition; and
 - (b) state the consequence of not correcting the problem (i.e., loss of time, accuracy, monetary, etc.), quantified, if possible.

B. Referrals of Program Vulnerabilities for Policy or Procedural Changes (Continued)

(4) Recommendation

State a suggested solution for the problem or improvement for the situation. Include specific language, if possible.

(5) Analysis and assessment

- (a) Consider and describe the effect of the condition and the recommendation on any other programs, rates, coverage, regions, etc., to the extent possible.
- (b) Consider and describe the effect of the recommendation on stake holders (e.g., increased field inspections for AIPs, workload changes for AIPs or RMA, benefits, etc.).

(6) Support for recommendation

- (a) State whether or not the recommendation has been discussed with other ROs, AIPs, NCIS, and/or Product Management staff; and
- (b) state any support or concerns raised with regard to the recommendation.

C. Referrals for Systemic AIP Performance Issues

Referrals for systemic failure to follow FCIC-issued policies, standards, and procedures that arise out of the normal conduct of RO activities or operations which can be fully documented and do not require further review must be submitted in writing to RMSD for consideration and coordination of cross regional issues. If in agreement with the referral, RMSD will forward the referral to RSD through the DAIS.

- (1) Systemic AIP performance issues include non-compliance with the SRA and Appendix IV, including but not limited to:
 - (a) failure to respond to specific agency directions;
 - (b) failure to correct identified discrepancies; and
 - (c) failure to reconcile identified errors, etc.

C. Referrals for Systemic AIP Performance Issues (Continued)

- (1) Written referrals must include:
 - (a) Party(ies) of the alleged wrongdoing:

Include full name, address, phone number, AIP, agent, policy number, crops, etc., for all parties involved.
 - (b) Condition – the situation or problem itself:
 - (i) describe the discrepancy and who is alleged to be responsible; and include documents relevant to the discrepancy as exhibits.
 - (c) Cause:

The RO should state the underlying reasons why the condition occurred (e.g., lack of training, absence of quality controls, AIP reluctance to research cause of loss, etc.).
 - (d) Criteria:
 - (i) Provide the policy provision or procedure that establishes the standard.
 - (ii) Cite, quote, and exhibit FCIC-issued policies, procedures, SRA, etc., to clearly identify the standard to be applied or followed.
 - (e) Impact:
 - (i) State the logical quantified result of correcting the discrepancy, or applying FCIC issued policies and procedures, i.e., bushels, tons, etc., of APH correction, amount of reduced indemnity, etc.
 - (ii) State the consequences of not correcting the discrepancies or problem.
 - (f) AIP response:
 - (i) include the manner, date, etc., the AIP was made aware of the discrepancy; and
 - (ii) detail the AIP reaction, reply, actions they are taking or plan to take, or disagreements.

D. Referrals for Suspected Cases of Fraud, Waste and Abuse

During the course of conducting GFP determinations, instances of suspected fraud, waste, or abuse and suspected wrongdoing in the use of FCIC-issued policies, standards, and procedures may be identified and should be discussed initially with the appropriate RCO. All referrals originating out of this process must be in writing to RMSD for consideration and coordination of cross regional issues. If in agreement, RMSD will forward the referral to the DAC through the DAIS.

(1) A referral must include:

(a) Copies of all relevant documentation such as acreage determinations, appraisals, verification of entity, documented interviews, telephone interview records, contact information, etc., that the RO has obtained or completed prior to referral;

(b) party(ies) of alleged wrongdoing;

Include full name, address, phone number, AIP, agent, FSA county office, policy number, crops, etc., for all parties involved.

(c) Condition:

(i) describe the discrepancy and who is alleged to be responsible; and

(ii) include documents including the discrepancy as exhibits.

(d) Cause:

The RO must state the underlying reasons why the condition occurred (e.g., lack of training, absence of quality controls, AIP reluctance to research cause of loss, etc.).

(e) Criteria:

(i) Provide the policy provision or procedure that establishes the standard.

(ii) Cite, quote, and exhibit FCIC-issued policies, procedures, SRA, etc. to clearly identify the standard to be applied or followed.

(f) Impact:

(i) State the logical quantified result of correcting the discrepancy, or applying FCIC issued policies and procedures, i.e., bushels, tons, etc. of APH correction, amount of reduced indemnity, etc.,

D. Referrals for Suspected Cases of Fraud, Waste and Abuse (Continued)

- (ii) Describe impacts such as potential widespread misunderstanding or misapplication of procedure or claim administration.
- (iii) Include the cost avoidance when RMA participation avoids or corrects a monetary discrepancy.
- (g) Recommendation:
 - The RO should state their recommendation to correct the problem, i.e., more specific training needed, AIP conduct further claim review, etc.
- (2) ROs will provide written updates to the referral when additional information becomes available.

E. RMA Regional Compliance Office Responsibilities

- (1) Cases referred by RMSD to Compliance must be recorded and tracked according to established procedures. RCOs will send an email to the referring RO and RMSD acknowledging their receipt of information within 30 calendar days of receipt and advise if the referral has been accepted for review.
- (2) RCOs will provide written information and updates to the RO every 30 calendar days, or sooner when necessary, and when RCO action is complete. The RCO will provide valid information that could affect the GFP determination or other RO function as soon as it becomes available.
- (3) DAC is responsible for referring appropriate cases to the OIG. The RCO will refer cases appearing to have reasonable cause for investigation to the appropriate OIG office. The RCO will notify the RO of any open OIG investigation(s) related to the referral to ensure that RMA administrative action does not interfere with the OIG case(s).
- (4) Cases must be referred to the OIG if fraudulent activity is known, suspected, or alleged, including:
 - (a) the submission of false claims or false or fraudulent statements by employees, policy holders, contractors, or others; and
 - (b) any violations of agricultural programs involving contractors, policy holders, employees, or others.

E. RMA Regional Compliance Office Responsibilities (Continued)

(5) OIG involvement:

- (a) The OIG determines whether to accept the case for investigation based on consultation with the Department of Justice. Once a case is accepted by the OIG, all subsequent administrative actions pertaining to the case must be coordinated with the OIG.
- (b) RCO Directors will inform the referring parties of any actions deemed necessary by the OIG and ensure administrative actions do not interfere with the OIG's investigation.
- (c) If the case is accepted for investigation, any indemnity due will be held until completion of the investigation or until released by OIG.
- (d) If the OIG declines to investigate a matter referred to them, the OIG will advise Compliance to take any administrative actions determined to be appropriate.

F. Filing Requirements

In all cases where a referral results from a GFP determination, the referral must be referenced in the "Notes" section of the [ROE Program Review Log](#). The notes should include the date forwarded to RMSD, the issue or vulnerability identified for referral, and the outcome of the referral when notified. The referral document itself must be attached to the referral note.

PART 6 DISPUTE RESOLUTION

51 Dispute Resolution

General Information – This paragraph provides the avenues to dispute unresolved issues between the AIP and RMA, or between Policyholders and RMA, with respect to RMA’s determination or reconsiderations of a GFP.

(1) For the AIP:

- (a) If there are any disputed or unresolved issues between RMA and the AIP regarding a GFP determination during RMA’s review or participation in such determination, such disputes, or unresolved issues:
 - (i) will be elevated to the AIP’s National Claims Manager and to RMA’s RMSD.
 - (ii) will not, without RMA concurrence, be discussed in the presence of the Policyholder or anyone else outside of RMA or the AIP.
- (b) If there is a dispute between RMA and the AIP, with respect to RMA’s determination of a GFP, the AIP will apply RMA’s written GFP determination or reconsideration according to RMA’s policy and procedures. The AIP retains the right to dispute RMA’s actions in accordance with administrative appeals procedures found in 7 C.F.R. § 400.169.

(2) For the Policyholder:

If the Policyholder does not agree with RMA’s GFP determination, the Policyholder has a right to request a reconsideration (see Para. 52) within 30 calendar days from the receipt of the GFP determination letter. The Policyholder may also file suit in United States District Court for the district in which their farm is located within one year of the date of the GFP determination letter or the reconsideration letter. (See [Para. 53](#))

- (a) There is no option for mediation or appeal to NAD for GFP determinations or reconsiderations, in accordance with 7 C.F.R § 400.98.
- (b) The Policyholder is not required to request reconsideration of the GFP determination before filing suit against FCIC for GFP determinations, however, the Policyholder must request a GFP determination from the RO before requesting reconsideration or filing suit.

52 Reconsideration

A. General Information

If the Policyholder does not agree with the RO’s GFP determination, the Policyholder has a right to request a reconsideration of the RMA GFP determination within 30 calendar days of receipt of GFP determination letter, by providing the required information to RMA’s DAIS [by sending an email to rma.rmsd@usda.gov](mailto:rma.rmsd@usda.gov), or by mail at:

A. General Information (Continued)

Deputy Administrator for Insurance Services
USDA/RMA/Insurance Services/STOP 0801
ATTN: GFP RECONSIDERATION
1400 Independence Avenue SW
Washington, D.C. 20250-0801

- (1) The written request must state the basis upon which the Policyholder relies to show that:
 - (a) the determination was not proper and not made in accordance with the program regulations and procedure; or
 - (b) all material facts were not properly considered in such determination.
- (2) First class mail to Washington, D.C. is often delayed for security measures. Participants are encouraged to send information by a delivery service (e.g., overnight or 2-day certified mail) that records pickup or postmark, and tracks and guarantees delivery.

B. Processing Requests for Reconsideration by RMSD

- (1) RMSD will accept a request for reconsideration of a GFP determination if the request:
 - (a) complies with the requirements in 7 C.F.R. § 400.98;
 - (b) is in response to an RO GFP determination;
 - (c) is not related to the items described in [Para. 23A](#) – What Does Not Qualify for Review; and
 - (d) is received or postmarked within 30 calendar days of the Policyholder’s receipt of the GFP determination letter, unless the Policyholder can demonstrate an inability to timely request the Reconsideration.
- (2) If the request does not meet the criteria in Para. 52B(1), RMSD will notify the Policyholder and RO in writing that the request was not accepted, including the reason for non-acceptance, and will provide a copy of the letter to the AIP.
- (3) If the request meets the criteria in Para. 52B(1), RMSD will:
 - (a) notify the AIP and RO of the request for reconsideration;

B. Processing Requests for Reconsideration by RMSD (Continued)

- (b) provide a letter to the Policyholder acknowledging receipt of the request for a reconsideration and allow 30 calendar days for the producer to submit any additional documentation for consideration, **unless an extension is approved in writing by RMSD Director**;
 - (c) review the GFP case documents uploaded by the RO and if necessary, contact the RO, the Policyholder or AIP for additional information or documentation;
 - (d) render a written reconsideration determination of whether the GFP determination was properly made by the RO under the standards in [Para. 22](#);
 - (e) apply the reconsideration determination to all the crop acreage insured under Shareholder policies or companion policies (e.g., landlord/tenant operations, a Policyholder with a policy as an individual entity and a separate policy for a partnership or corporation, etc.). RMA may issue one decision for multiple requests on the same acreage, crop, and production method in the same crop year or for Policyholders who are grouped together because they are making the same request;
 - (f) brief the RO on the reconsideration determination prior to sending it to the Deputy Administrator for Insurance Services for signature.
- (4) Reconsideration determinations that uphold an RMA determination that GFP were not followed will include a notice of the Policyholder’s right to bring suit against FCIC in United States District Court and will state the Policyholder cannot bring suit against the AIP for GFP decisions or determinations made by the RO or DAIS respectively.
- (5) RMSD will send the GFP reconsideration letter and exhibits to the Policyholder in accordance with PII requirements **as a PDF copy via encrypted email if available**, or by certified mail or overnight delivery service. The RO and AIP will also receive an email PDF copy of the reconsideration letter (no exhibits).
- (6) RMSD will scan, name, and upload the signed GFP reconsideration letter and new additional information generated or received during the review to the **ROE Program Review Log**.

C. Reconsideration Applicability

GFP reconsideration determinations issued by RMA are not retroactive and may not be used to reopen claims that were settled in prior crop years.

General Information – This paragraph provides the steps that Policyholders should take to file suit against FCIC in United States district court when the Policyholder does not agree with FCIC's determination as issued in a GFP decision letter or reconsideration determination.

- (1) If the Policyholder does not agree with FCIC's determination as issued in a GFP decision letter or reconsideration determination, they have a right to file suit against FCIC in United States district court for the district in which the insured acreage is located.
- (2) Any reconsideration determination by RMA regarding GFP shall not be reversed or modified as a result of judicial review unless the reconsideration determination is found to be arbitrary or capricious.

54-60 (Reserved)

EXHIBITS

Exhibit 1 Acronyms and Abbreviations

| Approved Acronyms and Abbreviations | Term |
|-------------------------------------|---|
| AIP | Approved Insurance Provider |
| AMS | Agricultural Marketing Service |
| APH | Actual Production History |
| ARD | Acreage Reporting Date |
| ARH | Actual Revenue History |
| ARPI | Area Risk Protection Insurance |
| BP | Basic Provisions |
| CES | Cooperative Extension Service |
| CFR | Code of Federal Regulations |
| CIH | Crop Insurance Handbook |
| CP | Crop Provisions |
| DAC | Deputy Administrator for Compliance |
| DAIS | Deputy Administrator for Insurance Services |
| DAPM | Deputy Administrator for Product Management |
| ECIC | Eligible Crop Insurance Contract |
| EHS | External Handbook Standards |
| Exh. | Exhibit |
| FAD | Final Agency Determination |
| FCIC | Federal Crop Insurance Corporation |
| FPAC | Farm Production and Conservation |
| FSA | Farm Service Agency |
| GFP | Good Farming Practice |
| GIP | Good Irrigation Practices |
| GNP | Good Nursery Practices |
| GSH | General Standards Handbook |
| IS | Insurance Services |
| LAM | Loss Adjustment Manual |
| LASH | Loss Adjustment Standard Handbook |
| LRP | Livestock Risk Protection |
| MPCI | Multiple Peril Crop Insurance |
| NAD | National Appeals Division |
| NCIS | National Crop Insurance Services |
| NIFA | National Institute of Food and Agriculture |
| NOP | National Organic Program |
| NRCS | Natural Resources Conservation Service |
| OGC | Office of General Counsel |
| OIG | Office of Inspector General |
| Para. | Paragraph |
| PASS | Policy Acceptance Storage System |
| PDF | Portable Document Format |
| PII | Personal Identifiable Information |

Exhibit 1 Acronyms and Abbreviations (Continued)

| | |
|----------|---|
| PIVR | Plant Inventory Value Report |
| PPA | Program Performance Assessment |
| PPSH | Prevented Planting Standards Handbook |
| RCO | Regional Compliance Office |
| RMA | Risk Management Agency |
| RMSD | Risk Management Services Division |
| RSD | Reinsurance Services Division |
| RO | Regional Office |
| SP | Special Provisions |
| SRA | Standard Reinsurance Agreement |
| Subpara. | Subparagraph |
| USDA | United States Department of Agriculture |
| WFRP | Whole- Farm Revenue Protection |

The following are definitions of terms related to good farming practices or are used in this handbook.

Agricultural Expert: Person(s) who are employed by the Cooperative Extension System or the agricultural departments of universities, or other persons approved by FCIC, whose research or occupation is related to the specific crop or practice for which such expertise is sought. Persons who have a personal or financial interest in the insured or the crop will not qualify as an agricultural expert. For example, contracting with a person for consulting would be considered to have a financial interest and a person who is a neighbor would be considered to have a personal interest. See also Organic Agricultural Experts.

Note: Agricultural experts currently approved by RMA include persons employed by the Cooperative Extension System, the agricultural departments of States and universities, an employee certified by the Natural Resources Conservation Service (NRCS) to make determinations regarding good cover cropping practices, and persons certified by the ASA as Certified Crop Advisers and Certified Professional Agronomists, persons certified by the NAICC as Certified Professional Crop Consultants and persons certified by the American Society for Horticultural Sciences as Certified Professional Horticulturists. Persons certified by other certification programs may be recognized as agricultural experts by RMA if their participant's research or occupation is related to the specific crop or practice for which such expertise is sought.

Approved Insurance Provider (AIP): A legal entity, including the company, which has entered into a SRA with FCIC for the applicable reinsurance year.

Certifying Agent (Organic): A private or governmental entity accredited by the USDA Secretary of Agriculture for the purpose of certifying a production, processing or handling operation as organic.

Conventional Farming Practice: A system or process that is necessary to produce an agricultural commodity, excluding organic practices.

Generally Recognized: When agricultural experts or organic agricultural experts, as applicable, are aware of the production method or practice and there is no genuine dispute regarding whether the production method or practice allows the crop to make normal progress toward maturity and produce at least the yield used to determine the production guarantee or amount of insurance.

Good Farming Practices: The production methods utilized to produce the insured crop and allow it to make normal progress toward maturity and produce at least the yield used to determine the production guarantee or amount of insurance, including any adjustments for late planted acreage, which are those generally recognized by agricultural experts or organic agricultural experts, depending on the practice, for the area. The AIP may, or the producer may request the AIP to, contact FCIC to determine whether or not production methods will be considered to be "good farming practices."

Note: The use of NRCS Conservation Practices will generally be recognized by agricultural experts for the area as considered good farming practices. Therefore, the use of NRCS Conservation Practices will have no impact on Federal crop insurance coverage, provided the adoption of such practice does not negatively impact the insured crop's ability to make normal progress toward maturity and produce at least the yield used to determine the production guarantee or amount of insurance and provided the NRCS Conservation Practice is not an uninsurable practice under the terms and conditions of the individual crop insurance policy.

Exhibit 2 Definitions (Continued)

Good Nursery Practices: In lieu of the definition of “good farming practices” contained in section 1 of the Basic Provisions, the horticultural practices generally in use in the area for nursery plants to make normal progress toward the stage of growth at which marketing can occur and: (1) for conventional practices, generally recognized by agricultural experts for the area as compatible with the nursery plant production practices and weather conditions in the county; or (2) for organic practices, generally recognized by the organic agricultural industry for the area as compatible with the nursery plant production practices and weather conditions in the county or contained in the organic plan. The AIP may, or you may request the AIP to, contact FCIC to determine whether or not production methods will be considered to be “good nursery practices.”

NRCS Conservation Practices: Practices recognized and published by Natural Resource and Conservation Services (NRCS) which contain technical information about the conservation of soil, water, air, and related plant and animal resources. Technical guides used in each field office are localized so that they apply specifically to the geographic area for which they are prepared. More information regarding these practices can be found at www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps.

Organic Agricultural Experts: Persons who are employed by the following organizations: Appropriate Technology Transfer for Rural Areas, Sustainable Agriculture Research and Education or the Cooperative Extension System, the agricultural departments of universities, or other persons approved by FCIC, whose research or occupation is related to the specific organic crop or practice for which such expertise is sought.

NOTE: Pre-approval from FCIC is recommended before using organic experts that do not fall into the listed organizations.

Organic Crop: An agricultural commodity that is organically produced consistent with Para. 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).

Organic Farming Practice: A system of plant production practices used to produce an organic crop that is approved by a certifying agent in accordance with 7 CFR part 205.

Organic Plan: A written plan, in accordance with the National Organic Program published in 7 CFR part 205, that describes the organic farming practices that you and a certifying agent agree upon annually or at such other times as prescribed by the certifying agent.

Personal Identifiable Information (PII): Any information, in any medium, that identifies a specific individual whether on paper or electronic.

Exhibit 2 Definitions (Continued)

Sustainable Farming Practice: A system or process for producing an agricultural commodity, excluding organic farming practices, that is necessary to produce the crop and is generally recognized by agricultural experts for the area to conserve or enhance natural resources and environment.

Transitional Acreage: Acreage in transition to organic where organic farming practices are being followed; but the acreage that does not yet qualify as certified organic acreage.

Written Documentation: Any written information related to the case in hard copy or compatible electronic format, including facsimile.

A. The ROE Program Review Log

All GFP participation and associated case files will be stored in the **ROE Program Review Log**. This Database is the only approved electronic storage location for GFP files. ROs are no longer required to keep paper copies of files as official records, but may have them on hand for reference.

B. Organization and Contents

Each electronic GFP file must contain the complete GFP decision and all documents related to the decision must be uploaded to the **ROE Program Review Log**.

- (1) GFP Record (Notice Screen) in the ROE Program Review Log
 - (a) Upon receiving notice of a request for GFP determination, ROs must ensure all data fields in the **ROE Program Review Log** that are not already filled, are completed where applicable.
 - (b) Summary Cost Information is entered under “Time and Expenses” for each period of time an employee spends working on a GFP determination. Cost savings is automatically calculated in the **ROE Program Review Log** based on the original Estimated Indemnity, Summary Total Cost, and the Final Indemnity.
- (2) Activities
 - (a) ROs may add an Activity to a GFP record to document a task, fax, phone call, email, letter, or appointment. However, the majority of activities can easily be documented and uploaded into the Documents folder as described in Para. B (3) below.
 - (b) When communicating with an AIP for any reason about a GFP, annotate the activity in the **ROE Program Review Log** as an “activity” or in the “notes” section.
 - (c) Activities that are automatically annotated in the **ROE Program Review Log**, such as automated email activity, should not be deleted.
- (3) Documents
 - (a) ROs must use the Documents folder in the **ROE Program Review Log** to upload all documents related to the GFP as soon as available. **The main document folder is accessible by both RMA and the AIP. The RO Documentation Folder is only accessible by RMA.** All documentation, if not in an electronic format, must be scanned as individual PDF files with the exception of:

B. Organization and Contents (Continued)

- (i) Data that is too large to be scanned (such as periodicals);
 - (ii) Data not suitable for scanning (such as certain types of photographs); or
 - (iii) Data marked as duplicate data that is already on file.
- (b) Most documents related to a GFP file will fit into one of the categories below. ROs should create the following folders inside the RO Documentation Folder, with the below names to hold documents that fall into each category:

AIP Records

Expert Opinion(s)

Producer Records

Underwriting File

Correspondence and Emails

Decision Letter and Exhibits

Interview or Telephone Records

Photographs

Other

Reconsideration

(4) Naming Convention

The Naming Convention for each "PDF" file will be:

(a) Exhibit name - Document Name.

Leave a space between segments. Invalid characters include: # % & * : < > ? / { | and }.

Example: EX A - Basic Provisions.pdf

- (b) After the GFP determination letter is signed, it becomes the final signed version. The final signed version will be scanned prior to mailing and will use the same naming convention as follows:

Example: Farmer Farms Potatoes GFP Determination Letter 01-23-16.pdf

B. Organization and Contents (Continued)

- (c) All subsequent letters and exhibits are scanned and uploaded as they are delivered or revised. Any revised files must contain the letters “REV” prior to the new date (date of revision).

Example: Farmer Farms Potatoes GFP Determination Letter REV 02-18-16.pdf

- (5) ROs may use the following tools and forms, or similar forms to document field notes, telephone calls, or interviews. Any form used should be uploaded in the Documents tab in the appropriate named folder. ROs should use ROE to document field notes, telephone calls, as well as fill out the GFP checklist. Any form used outside ROE should be uploaded to the associated folder inside the RO Documentation Folder.

GFP Determination Requests - RO Evaluation Tool

Evaluate each GFP case based on independent circumstances. Always refer to the procedures in this Handbook. The request, whether from the AIP or the Policyholder, should be routed to the RO through the AIP. Review the AIP decision and the request before making a determination.

If the AIP decision letter does not meet the requirements in [Para. 31B](#), the RO must notify the AIP that the decision letter is unacceptable and require the letter be corrected and reissued to the Policyholder within 20 calendar days.

If there is no response from the AIP or the GFP decision letter still fails to meet the criteria, the RO must make a GFP determination on the farming practice(s) in question, and, if necessary, seek additional information from other sources if available.

(6) ROE Program Review Log Appeal Logs

- (a) Add a new appeal log in the GFP file whenever a Policyholder requests Mediation, Reconsideration, or files a lawsuit.
- (b) Only one appeal type may be active at any one time. Therefore, it is important to update the dates and files immediately when several appeal types are elected and are held in abeyance until completion of another. Any new appeal shall be added.

B. Organization and Contents (Continued)

(7) Additional Information

- (a) Duplicate Materials. The same (exact) information may be received from different sources. Use one set for the exhibit(s) and store all duplicated materials at the end of the file. This material should be separated with a label stating, "Duplicate Materials." It is not necessary to scan duplicate materials.
- (b) Electronic Format. If everything is received in electronic format (i.e., a CD is received and no other emails were generated, no phone calls were made, etc.), then the original file would only contain the CD. However, the data would need to be extracted from the CD, appropriately labeled following the examples for exhibits, pages, etc., converted to PDF and loaded into the **ROE Program Review Log**.
- (c) File Retention. The file will be maintained in accordance with RMA's Record Keeping Management System guidelines.

A. Additional Supporting File Guidelines

In addition to GFP file guidelines contained in [Exh. 4](#), the RO must:

- (1) Develop a record of phone conversations with the Policyholder, AIP, or loss adjuster and any interviews for the file as they occur.
 - (a) Use the ROE Program Review Log to document interviews and telephone records.
 - (b) Include the time of day and date; the name, address and contact information for the person you are talking to; the purpose of the call or conversation; and a written overview of the conversation.

In some cases, you may want to document what the person is saying word for word. Do not hesitate to ask them to repeat something to ensure that you clearly understand what they are saying.
 - (c) If the RO representative is asked to keep the person's name and contact information confidential, do so. It is very important to comply with the person's wishes. If the information provided is pertinent to the issue or supports an adverse finding, then, if possible, verify the validity of the information through other sources.
- (2) Ensure that copies of all documents are clear, easy to read, and understandable. Include an objective narrative when appropriate to ensure a person unfamiliar with the issue can understand its purpose and how it pertains to the proper GFP determination.
- (3) Upload copies of all documents in the ROE Program Review Log.

B. Requesting Information from the AIP

- (1) Any requests for AIP action, such as measuring insured acres and determining uninsured acres, obtaining documentation, researching a GFP issue, etc., must be in writing and submitted to the AIP as soon as possible.
 - (a) E-mail may be used so long as it is treated in the same way as any other official form of communication; i.e., use the same level of thought and decorum as a Manager's Bulletin or Informational Memorandum; do not use off-handed or inappropriate comments.
 - (b) Follow up telephone requests in writing.
 - (c) Set a reasonable date for completing the action and document when it is complete.

B. Requesting Information from the AIP (Continued)

- (d) If not completed by the agreed upon date, immediately contact the AIP by telephone and follow up in writing with the AIP about the matter. This lack of response may also trigger the referral process.
- (e) The RO must document their actions and the AIP's responses in the ROE Program Review Log.

A. General Rules for Writing the Letter

NOTE: Letters and exhibits mailed to the Policyholder must be packaged, marked, and processed according to PII requirements.

- (1) Follow the format to the extent possible. Address each section as indicated in the example.
- (2) Write using plain language guidelines.
- (3) Write in a logical manner.
- (4) Write to follow the exhibits in sequential order to the extent possible.
- (5) Use spell check and grammar check.
- (6) Watch for tone and personal bias.
 - (a) State facts without asserting **personal** opinion.
 - (b) Refrain from stating personal opinions or observations assumed but not supported by facts.
- (7) Use non-controversial terms.
- (8) Double check all references and quotations.
- (9) Make certain that you use the correct version (applicable crop year and plan of insurance) of the crop provisions, BP, CIH, Manager's Bulletins, etc., used as exhibits.
- (10) Update the header to reflect the Policyholder's name and crop year.
- (11) The template letter may not be in the exact font and margin size of the approved letter format used by RMA for correspondence. Please format accordingly in terms of letterhead, font, and margins.
- (12) Include exhibits for any GFP determination.
- (13) Include an Exhibit Index at the end of the letter.

B. RO Policyholder Acknowledgement Letter Template

The following templates are suggested formats for RO GFP Determinations. ROs may adjust language as appropriate for each particular case.



**United States
Department of
Agriculture**

(DATE)

Farm Production (Policyholder or Legal Representative Name/Title)
and (Address)
Conservation (Address)

Risk Re: Good Farming Practice Determination for (Name of Insured)
Management (Crop Year), (Crop), (Policy #XXXX), (County, State)
Agency

Dear Sir (or Madam):

RO Address

The XXX Regional Office (RO) received your (Date of Request) request for a Good Farming Practice (GFP) Determination. According to your letter, you disagree with the GFP decision made by (Name of AIP) on (Date of AIP decision letter).

Unless an extension is approved in writing, the (XXX RO) will begin the review on (Date 10 days from receipt of this letter). The 10-day delay allows you to provide additional documentation that you want to be considered in the review. If the (XXX RO) does not receive additional documentation from you by this date, it will use the information provided by (Name of AIP) and information you provided in your request.

You may send additional documentation **by email (RO email address) or** to the following address:

(Name)
RO Director
USDA, Risk Management Agency
(Name of Regional Office)
(Address)

If you prefer to send electronic documents, please make sure they are **legible. We** will provide a status of the review every forty-five (45) calendar days from (date the review begins). Once our review is complete, you will receive the RMA GFP determination letter **by encrypted email or** via overnight mail or certified mail.

B. RO Policyholder Acknowledgement Letter Template (Continued)

If you have any questions, please contact me at (Phone number).

Sincerely,

(Name)

Director

(Regional Office Name)

C. RO GFP Determination Letter Template

United States
Department of
Agriculture



Farm Production (Date)
and
Conservation

VIA CERTIFIED MAIL/**EMAIL** – XXXX XXXX XXXX XXXX XXXX

Risk (Policyholder or Legal Representative Name/Title)
Management Address)
Agency (Address)
(Address)

RO Address

RE: Good Farming Practices Determination for (Name of Policyholder)
(Crop Year) (Crop) (Policy #XXXXXXX)
(County Name), (State Name)

Dear Sir (or Madam):

This Good Farming Practice (GFP) Determination originates from your Approved Insurance Provider (**AIP**), ABC Insurance's [DATE] GFP decision concerning the production methods you used for your 20XX Corn **Crop**.

Based on our review of reference materials submitted by you and ABC Insurance, the Risk Management Agency (RMA), has determined that your weed control and fertilization practices were not GFPs.

(Add a very brief summary of the RO determination. Placing the determination at the top of the letter provides an immediate answer to the reader.) Example:

Issues to be Determined

(State the issues that you must determine in the format below.) Example:

In accordance with the **2023** Good Farming Practice Determination Standards Handbook and the Common Crop Insurance Policy (Basic Provisions), RMA, on behalf of the Federal Crop Insurance Corporation (FCIC), is required to make a GFP Determination.

The issues that must be resolved in this case are:

C. RO GFP Determination Letter Template (Continued)

1. Whether you applied adequate herbicide on your corn **crop** in a timely manner to control weeds which would allow your crop to make normal progress toward maturity and produce at least the yield used to determine the production guarantee.
2. Whether you applied adequate fertilizer on your corn which would allow your crop to make a normal progress toward maturity and produce at least the yield used to determine the production guarantee.

Background

(These paragraphs summarize the events that led to the GFP Determination. If any pertinent documents relate to the event or were created due to the event, cite the document as an exhibit using footnotes. List events in chronological order. Use the Analysis section to reference Expert Opinions and discussion about them. Summarize the opinions without quoting large chunks of the opinion.) Example:

On [DATE], Mr. Looker, the Loss Adjuster for ABC Insurance, issued an Adjuster Special Report which documents the conditions of the fields in [Name] County, [State].¹

On [DATE], you had a conversation with Mr. Looker at your farm in which it was requested fertilizer, seed, and herbicide receipts. This request was documented on an Adjuster's Special Report.²

On [DATE] you prepaid for your purchase of fertilizer and herbicides from the Feed and Seed Store in [location]. ABC Insurance provided copies of these receipts, which showed [DATE] as the date of invoice.³

Analysis

*(In this section, break out the issues separately and begin **the RO** analysis of each issue in this order: Basis for AIP's decision; Appellant's position; RMA reasoning and finding; Conclusion. Do not place these headings in the Analysis. Repeat the analysis for each issue.) Example:*

To complete this GFP Determination, RMA carefully reviewed the ABC Insurance Decision file and documentation provided by you. RMA also reviewed published documents as outlined below to determine if the practices you used would generally allow you to reach the production guarantee.

Issue 1: Whether you applied adequate herbicide on your corn **crop in a timely manner to control weeds which would allow your crops to make a normal progress toward maturity and produce at least the yield used to determine the production guarantee.**

¹ See Exhibit A

² See Exhibit A

³ See Exhibit B

C. RO GFP Determination Letter Template (Continued)

To complete this GFP Determination, RMA carefully reviewed the ABC Insurance GFP Decision file and documentation provided by you. RMA also reviewed published documents as outlined below to determine if the practices you used would generally allow you to reach the production guarantee.

In your request for a GFP Determination, you assert that ABC Insurance’s Decision that you failed to carry out GFPs is erroneous. Contrary to ABC Insurance’s contentions, you argue that the actual cause for your low yields was weather conditions (rain and wind), prior to and during the growing season, that delayed the effectiveness of your weed control and fertilizer practices.⁴ In support of your position, you cited expert Dr. Pro’s opinion, that the crops’ poor results were caused by circumstances beyond your control, namely, adverse weather conditions.⁵ However, RMA does not find any merit in your argument.

(Continue RMA Analysis for this issue...then conclude.) Example:

Because of the above-mentioned reasons, RMA has determined that your herbicide application practice failed to follow generally recognized GFP for the corn **crop** and is not an insurable cause of loss.

(Continue Analysis with Issue 2.)

Conclusion

(Summarize the RO findings and include the last two sentences below.) Example:

RMA finds that you failed to follow generally recognized good farming practices for your corn **crop** which is not an insurable cause of loss. This GFP determination does not determine whether an insured cause of loss was or was not present, or reconsider any other decision made for your policy. In addition, this determination applies to all insured shareholders, landlords, and tenants with an interest in the 20XX corn **crop** on all acreage for which this determination is made.

Appeal Rights

If you do not agree with FCIC’s GFP determination, you may:

- (1) Request Reconsideration of the RO GFP Determination within 30 calendar days of receipt of written notice of the adverse decision by providing the required information to the RMA Deputy Administrator for Insurance Services at:**
 - (a) Email rma.rmsd@usda.gov, or;**
 - (b) By mail to:**

⁴ See Exhibit D

⁵ See Exhibit H

C. RO GFP Determination Letter Template (Continued)

Deputy Administrator for Insurance Services
USDA/RMA/Insurance Services/STOP 0801
ATTN: GFP RECONSIDERATION
1400 Independence Avenue SW
Washington, DC 20250-0801

The written request must state the basis upon which you rely to show that the determination was not proper and not made in accordance with the program regulations and procedure, or that all material facts were not properly considered in such determination.

First class mail to Washington, DC is often delayed for security measures. Participants are encouraged to send information by email or by a delivery service (e.g., overnight or 2-day certified mail) that records pickup or postmark, and records and guarantees delivery.

OR

- (1) File suit in United States District Court for the district in which your farm is located in accordance with section 20 of the Basic Provisions within one year of the date of this letter, or the date of your Reconsideration Determination if you request Reconsideration. You are not required to request reconsideration from FCIC before filing suit.

Arbitration or Mediation Rights:

If you do not agree with the amount your insurance company assessed for your failure to follow good farming practices, you may choose to arbitrate or mediate the dispute in accordance with section 20(d) of the Basic Provisions. You may not appeal such amount to FCIC.

If you have any questions about this GFP Determination, you may contact (name of contact) at (contact's telephone number).

Sincerely,

Name
[RO] Regional Office Director
Risk Management Agency
Email

cc: (Name of AIP Point of Contact)
(AIP Address)

C. RO GFP Determination Letter Template (Continued)

cc: (Policyholder's Legal Representative)
(Address)

cc: Director, (Name of Compliance Office)

The Exhibit Index and exhibits are attachments to the RO Determination Letter and must be included at the end of the letter. ***(List exhibits in numeric order using the Exhibit Index. Make sure the exhibit list follows the exhibit order as they appear in footnotes. Send each referenced exhibit to the Policyholder with the Determination Letter if not already provided.)***

Example:

Exhibits:

- A. Mr. Looker's Adjuster's Special Report, [DATE]
- B. Feed and Seed Store Receipts, [DATE]
- C. Photographs of neighboring fields, [DATE]
- D. Producer's Statement, [DATE]
- E. Feed and Seed Store Work Statement, [DATE]
- F. ABC Insurance GFP Decision, [DATE]
- G. Producer's Request for GFP Determination, [DATE]
- H. Dr. Pro's Expert Opinion, [DATE]
- I. NOAA Data, [DATE]
- J. Extension Reference Bulletin, [DATE]
- K. AD-2007 FSA/RMA Compliance Referral, [DATE]
- L. Ms. Expert's Expert Opinion, [DATE]
- M. [NAME] Coop Statement of Work, [DATE]

Exhibit 7 **RMSD Reconsideration Letter Template**

A. **RMSD Reconsideration Letter Template Language**

RMSD must use the same basic format as the RO GFP Determination letter and follow all general rules for writing the letter in [Exh. 4](#) and [5](#), except:

- (1) for the first page of the RMSD Reconsideration letter, where RMSD will add in all caps and bold text if the RO's GFP Decision has been **UPHELD or NOT**.

- (2) the letter will be written in first person and contain the language in Exhibit 6B.

B. RMSD Reconsideration Letter Template

VIA OVERNIGHT MAIL/EMAIL

(Policyholder or Legal Representative Name/Title)
(Address)
(Address)
(Address)

RE: Good Farming Practices Reconsideration
for (Name of Policyholder)
(Crop Year) (Crop) (Policy #XXXXXXX)
(County Name), (State Name)

Dear Sir (or Madam):

On behalf of the Federal Crop Insurance Corporation (FCIC), I have completed my reconsideration review of the [RO Name]'s good farming practice (GFP) determination for your [Crop Year] [Crop Name]. This reconsideration decision only applies to determinations of GFP and does not determine that an insured cause of loss was or was not present, nor does it reconsider any other decision made for your policy.

To complete this GFP Reconsideration, I have carefully reviewed the [RO Name] RO Determination file, related information you submitted, and documentation provided by your Approved Insurance Provider (AIP), [AIP Name]. After careful review, I (concur with the [RO name]) (concur in part with the [RO name])(disagree with the [RO name]) that GFP were not followed and the determination (**IS UPHELD**)(**IS NOT UPHELD**).

(For **more examples, and sample template** letters, see the **GFP SharePoint Site**.)

GFP Decision Appeal Process
(Basic Provisions, Section 20)

